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November 15, 2016

VIA EMAIL

Honorable Debra M. Brown
305 Main Street, Suite 329
Greenville, MS 38701
Judge_Brown@msnd.uscourts.gov

Re: Cowan, et al. vs. Bolivar County Board of Education
Case No. 2:65-cv-00031-DMB-JMV

Dear Judge Brown:

The District writes in response to the letter sent to the Court by the Department of Justice on Monday November 13, 2016 and the Court's email of November 14, 2016 requesting a response from the District. The issue presented is whether the District intends to rest on the pleadings and would forego a hearing under the currently proposed "Modified Plan."

The District's understanding was that it would be able to use at a hearing in support of its Modified Plan expert reports, and any responses to discovery. The Department of Justice propounded 22 Requests for Production of Documents and 18 Interrogatories and insisted to the Court that a protracted discovery period was a must so that it could test the District's proposed Modified Plan. Contrary to its previous position, the Department of Justice is now pushing the District to waive its right to hearing.

Notwithstanding this inconsistency by the Department of Justice, the issue may be entirely moot in light of recent developments as outlined more fully below.

Following the May 13, 2016 ruling, the Board of Trustees and the Superintendent of the Cleveland School District have continued to think creatively about a compromise plan which would meet the mandates of *Brown v. Board of Education* and enjoy the support of the entire Cleveland School District community. The Superintendent and Board have been listening to the

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concerns of citizens who have attended the last several school board meetings and have objected to the placement of all 7th - 12th grade students at the current Cleveland High and Margaret Green Junior High campus, as proposed by the District in the recently proposed Modified Plan. The complaint from this group of citizens is that East Side's legacy is real and strong such that it deserves to remain an open school offering significant programming to the students of the Cleveland School District. These same complaints have been echoed by the Department of Justice and the Private Plaintiffs in their objections to the proposed Modified Plan.

The community as well as the Private Plaintiffs and the Department of Justice have also critiqued the issue of funding and timing of construction as contemplated by the current proposed Modified Plan. Under the Proposed Modified Plan, the new 9th grade wing would have to be built and improvements made at the Walter Robinson Achievement Center through a 3 mil levy and other available District resources.

Last night, several member of the community made public comments during a meeting of Board of Trustees. Following those public comments, the Board met in executive session where the Superintendent suggested a plan addressing the concerns of the East Side citizens and also offering a solid educational component and rationale. The Board voted 4 to 1 in support of a new plan which is as follows:

6 th - 8 th grade students ¹	Current Margaret Green campus
9 th and 10 th grade students	Current East Side High campus
11 th and 12 th grade students	Current Cleveland High campus

Superintendent Thigpen noted that the current State educational mandates place a directive that certain core classes be taken in the 9th and 10th grade years. After taking these four courses, students must immediately pass a State test in order to be eligible for graduation. Dr. Thigpen and her team believe the 9th and 10th grade school can and should focus on these core classes. The 9th and 10th grade campus would allow faculty and resources to be grouped together to meet the needs of these particular students who must focus on this certain course work that must be mastered to graduate.

Once the 9th and 10th grade classes are passed, the students would then be able to choose from AP classes, Dual Credit or another Career Track at the current CHS campus which would become the 11th - 12th grade school. Again, Dr. Thigpen and her team believe narrowing the 11th and 12th grade school's focus to specific curriculum areas would benefit the students and the District.

To be clear, the 9th - 12th grades would all be under one central high school umbrella. The student government representatives have already met and narrowed their recommendation of new high school and junior high name choices to "Cleveland Central" or "Bolivar Central."

The District respectfully submits that the new plan addresses the concerns of all stakeholders in that the plan can be accomplished without borrowing any funds, makes sense academically, honors East Side's legacy and can happen in the next school term.

¹ With the exception of Bell Academy and Hayes Cooper 6th grade students which shall remain at their respective schools.

Regarding funding, no new construction is contemplated by this plan. As such, the District will not be increasing taxes or tapping into resources to build any new buildings. Instead, the District may use available resources to ultimately improve existing facilities for all students and address ADA issues noted by the Department of Justice.

Moreover, this plan places a significant educational component - the 9th and 10th grade student bodies - on the current East Side campus. The Superintendent and Board believe this configuration honors East Side's legacy and will allow the school so many love and respect to continue its tradition of excellence in a new way under a consolidated high school configuration.

Finally, regarding timing, the District can easily implement this plan beginning August 2017.

The District realizes that discovery and expert designations are due under the current Scheduling Order this Friday, November 18, 2016. The District seeks this Court's guidance and suggests the Court and parties re-visit these deadlines in light of this recent development. This is especially true given the extent to which the District addresses the Department of Justice and Private Plaintiff's concerns in this most recent proposal. Additionally, much of the discovery propounded by the Department of Justice is now moot. For instance, multiple interrogatories and requests for production focus on the 3 mil levy which is a non-issue under the new plan.²

The District anticipates formally filing its new Plan by 5:00 p.m. Wednesday, November 16, 2016. The District also will respond to the discovery requests as propounded by the Department of Justice to the best of its ability by the Court's deadline of Friday, November 18, 2016.

In the meantime, the District is hopeful that the Department of Justice and the Private Plaintiffs would approve this plan or at least agree to a settlement conference regarding the plan as soon as possible.

Sincerely,

JACKS | GRIFFITH | LUCIANO, P.A.

By: 

JFJ:ml

cc: Aziz Ahmad
Shakti Belway

² As a point of clarification, *Mississippi Today* and The Associated Press have run a story today indicating the Board of Trustees voted to move forward with a 3.65 million dollar funding plan. This story is totally incorrect and the District has requested a retraction be made by the reporter immediately.